

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)	
)	
Supplement to Request for Review of the Decisions)	
of the Universal Service Administrator)	
and Waiver by)	
)	
Methuen Public Schools)	File No. SLD-843668
Methuen, MA)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

**SUPPLEMENT
to
REQUEST FOR REVIEW AND WAIVER**

On February 4, 2014, one day after filing a Request for Review and Waiver (“Request for Review”)¹ in the above-captioned matter, Methuen Public Schools (“School District”) received an Administrator’s Decision on Appeal (“USAC’s Decision”)² that addressed one the two main issues in its Request for Review. Therefore, the School District, by its representative, hereby requests that the Commission supplement the record in the above-captioned matter with USAC’s Decision and, for all of the reasons set forth and discussed in the Request for Review, either reverse USAC’s Decision or waive the rules, as necessary, to restore the funding to which the School District is entitled.³

The Request for Review described the extremely long, complicated series of events leading up to it and raised two main issues: (1) whether USAC improperly reduced the funding in FRN 2290697 because of an allegedly late-filed Form 486 (the issue that USAC’s Decision here addresses); and (2) whether USAC erred by deciding to

¹ <http://apps.fcc.gov/ecfs/document/view?id=7520964203>

² Exhibit 1, Administrator’s Decision on Appeal dated January 28, 2014 and received February 4th.

³ Alternatively, if necessary, we request that the Commission treat this as a separate Request for Review and Waiver.

rescind the FRN because the School District's scoring matrix showed "price" and another factor with equal points, even though (1) a clerical error caused price not to have the most points, and (2) the School District selected the least expensive vendor.

The School District appealed the Form 486/service start date/funding reduction issue to USAC. While its appeal was still pending, however, USAC surprised the School District by deciding to rescind the FRN. Consequently, the School District appealed the entire matter directly to the Commission.

USAC's Decision is dated January 28, 2014. The School District received it on February 4th, one day after it had filed its Request for Review. In it, USAC informed the School District that it had decided to dismiss the appeal because the issue in it was "moot":

Funding Request Number(s): 2290697
Decision on Appeal: **Dismissed**
Explanation:

- The issue on appeal is moot. On August 5, 2013 USAC issued a Notification of Commitment Adjustment Letter rescinding the commitment for FRN 2290697 to \$0.00 due to a competitive bidding violation. Subsequently, on 10/16/2013

USAC erroneously approved your SRC SPIN Change request and erroneously reinstated funding for FRN 2290697. A new Notification of Commitment Adjustment Letter was issued on 12/ 23/ 2013 to re-implement FRN rescission. Since funding commitment for FRN 2290697 is fully rescinded, the Form 486 service start date adjustment is now moot and your appeal is dismissed.

Having decided that the issue in the appeal was "moot," USAC decided not to decide it, at least technically. We say "technically" because, we submit, USAC actually did decide it, albeit indirectly. The School District's appeal involved service start dates for four FRNs. USAC changed the dates for all four of them for exactly the same reason. In its decision, USAC changed the service start dates back and restored funding for three of the FRNs -- all of them except the one in issue here. Since the relevant facts are identical for all four FRNs, USAC easily could have, and therefore should have, changed the service start date for FRN 2290697 too, especially since it would not have prevented

USAC from dismissing the appeal as moot. That very simple act would have placed much less of an administrative burden on the Commission and, in the process, cleared up a great deal of confusion.

Please note that all of the facts, issues, and arguments that are relevant here have already been included in the Request for Review.

Respectfully submitted
on behalf of Methuen (Massachusetts) Public Schools

/s/ Catherine Cruzan

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February 12, 2014

cc: Jane M. Perreault
Methuen Public Schools

Exhibit 1

Administrator's
Decision on Appeal
January 28, 2014



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

January 28, 2014

Judith A. Scannell
Methuen Public Schools
Quinn Building
90 Hampshire Street
Methuen, MA 01844

Re: Applicant Name: METHUEN PUBLIC SCHOOLS
Billed Entity Number: 120388
Form 471 Application Number: 843668
Form 486 Application Number: 985576
Funding Request Number(s): 2290640, 2290644, 2290685, 2290697
Your Correspondence Dated: November 14, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2290640, 2290644, 2290685
Decision on Appeal: **Approved**
Explanation:

- Your appeal has brought forward persuasive information that the Service Start Date for these funding requests should be July 1, 2012.

Funding Request Number(s): 2290697
Decision on Appeal: **Dismissed**
Explanation:

- The issue on appeal is moot. On August 5, 2013 USAC issued a Notification of Commitment Adjustment Letter rescinding the commitment for FRN 2290697 to \$0.00 due to a competitive bidding violation. Subsequently, on 10/16/2013

USAC erroneously approved your SRC SPIN Change request and erroneously reinstated funding for FRN 2290697. A new Notification of Commitment Adjustment Letter was issued on 12/ 23/ 2013 to re-implement FRN rescission. Since funding commitment for FRN 2290697 is fully rescinded, the Form 486 service start date adjustment is now moot and your appeal is dismissed.

Since the Administrator's Decision on Appeal approves a change in the adjusted service start date, USAC will issue a Revised FCC Form 486 Notification Letter to you and to each service provider that will provide the services approved for discounts in this letter. USAC will issue the Revised FCC Form 486 Notification Letter as soon as possible. The Revised FCC Form 486 Notification Letter will inform you of the precise adjusted service start date of your approved funding request. As you await the Revised FCC Form 486 Notification Letter, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company